UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 March 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,19 and 20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

3/28/2006 has been entered.

2.   This action is responsive to communications: Amendment, filed on 3/28/2006.

This action is non-final.

3.   Claims 1-17 and 19-20 are pending in this application. Claims 1, 16 and 17 are

independent claims. In the Amendment, filed on 3/28/2006, claims 1-13, 15-17 and 20

were amended, and claim 18 was cancelled.

4.   This application claims foreign priority dated 11/21/2002.

5.   The present title of the invention is "Image display method, apparatus, program

and storage medium" as filed originally.

Claim Rejections - 35 USC § 102

6.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

7.   Claims 1-8, 11 and 16-17 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kurtzberg et al. (6,462,759).

As per claim 1, Kurtzberg discloses an image display method for displaying a

plurality of images in one image layout formats of a plurality of types, comprising:

a frequency storage step of storing frequency of use for each of the image layout

formats, wherein each of the image layout formats includes a plurality of image display

positions, and each of the image layout formats depends on the type of image displayed

at each position of the plurality of image display positions (Figure 4, step 154 where a

screen layout is stored for future session; "A default screen comes up and displays

current system estimate of the windows pattern desired by the user. This may be

ordered in frequency-of-use decreasing order", column 5, line 8-12, where the window

pattern is an image layout formats; Figure 2a-2e are examples of different image layout

formats and the different images are interpreted as different types of images displayed

at each position);

a setting step of setting one of the image layout formats, based upon the

frequencies of use that have been stored ("using the referent for generating an instant

window for display during a second operating session, which instant window ha been

adaptively modified from the default condition window so that it's properties correlate to

the user's specific window activity pattern developed over the first operating session",

column 1, line 50-55); and

a display step of displaying each image at corresponding positions, which are

defined by each type of the images, of the plurality of image display positions of the

image layout format set in the setting step on a display (Figure 5c, item 182 where a

resultant display displays Figure 4 image).

8.   As per claim 2, Kurtzberg demonstrated all the elements as disclosed in the

rejected claim 1, and further discloses wherein said frequency storage step stores the

frequency of use in association with each of a plurality of observers, and said setting

step sets the one of the image layout formats based upon the frequencies of use and an

observer ("The computer keep a frequency-of-use file for each action specified by the

user and its associated displays", column 5, line 36-37)

9.   As per claim 3, Kurtzberg demonstrated all the elements as disclosed in the

rejected claim 1, and further discloses that setting step sets, for every observer, an

image layout format having the highest frequency of use as an image layout format

used to display the plurality of images ("This may be ordered in frequency-of-use

decreasing order", column 5, line 11-12).

10.   Regarding claim 4, Kurtzberg demonstrated all the elements as disclosed in the

rejected claim 1, and further discloses wherein the frequency of use of an image layout

format is updated at a timing at which the plurality of images is displayed in the image

layout format (Figure 5c, item 186 is an updating step).

11.   Regarding claim 5, Kurtzberg demonstrated all the elements as disclosed in the

rejected claim 1, and further discloses wherein the frequency of use of an image layout

format is updated at a timing at which the image layout format is changed ("Step (iii) ...

(1) determining frequency-of-use of user window activity ... (3) using the last image

pattern displayed be the user in that operating session", column 2, line 5-10)

12.   Regarding claim 6, Kurtzberg demonstrated all the elements as disclosed in the

rejected claim 1, and further discloses wherein the frequency of use of an image layout

format, which is used in displaying the plurality of images, is updated at a timing at

which said display step ends (Figure 5c, item 182 is a display step and item 186 is an

updating step).

13.   Regarding claim 7, Kurtzberg demonstrated all the elements as disclosed in the

rejected claim 1, and further discloses the frequency of use of an image layout format,

which is used in displaying the plurality of images, is updated at a timing at which an

observer performs an operation for updating the frequency of use (Figure 5c, item 180

where an observer can perform User Modification).

14.   Regarding claim 8, Kurtzberg demonstrated all the elements as disclosed in the

rejected claim 1, and further discloses that frequency storage step stores collectively the

frequencies of use of the image layout formats, which have been used for displaying the

plurality of images for a plurality of observers, without distinguishing among the plurality

of observers ("A default screen comes up and displays current system estimate of the

windows pattern desired by the user. This may be ordered in frequency-of-use

decreasing order", column 5, line 8-12, where the observers are not distinguished).

15.   Regarding claim 11, Kurtzberg demonstrated all the elements as disclosed in the

rejected claim 1, and further discloses a number setting step of setting the number of

frequencies of use capable of being stored ("All actions/items with a measure greater

than a user selected threshold may be selected automatically for primary display",

column 5, line 42-44); and

       an exclusion step of excluding the image layout format having the lowest

frequency of use when the total number of frequencies of use exceeds the number set

in the number setting step by adding a frequency of use of a new image layout format

(the lower, including the lowest, frequencies are being excluded by setting a threshold

number).

16.   Regarding claims 16-17, since claims 16-17 are similar in scope to the claim 1,

the rejection to claim 1 hereinabove is also applicable to claims 16-17.

Claim Rejections - 35 USC § 103

17.   Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kurtzberg, and further in view of Mishra et al. (5,805,118).

Regarding claim 9, Kurtzberg does not specifically disclose that the images are

medical images and the prescribed combination is a combination of images of the same

type of examination. However, Mishra et al discloses that customized image navigation

and display system (CINAD) with medical images for medical field [i.e. radiology]. (See

col 3 line 58-col 4 line 7, col 6 line 14-19, col 7 line 38-47) Since both teachings are

relate to the manipulating of image layout, it would have been obvious to one skilled in

the art to incorporate the teaching of Mishra et al into the teaching of Kurtzberg in order

to display the medical images with improved manner of facility and rapidity at user

preferences.

18.   Regarding claim 10, refer to the discussion for the claim 9 hereinabove,

Kurtzberg and Mishra disclose that the images are medical images, the prescribed

combination is a combination of images of a plurality of different types of examination,

and said setting step sets an image layout format based upon the highest frequency of

use from among frequencies of use of image layout formats of images of each type of

examination. (See Fig 13, column 8, line 37-40).

19.   Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kurtzberg et al. as applied to claim 1 above, and further in view of Caravel (5,613,057).

As per claim 13, Kurtzberg demonstrated all the elements as disclosed in the

rejected claims 1.

Kurtzberg discloses a method of displaying a plurality of image. It is noted that

Kurtzberg does not explicitly disclose a layout format display step of displaying a display

of image layout formats for notifying of the one of the of the image layout formats that

has currently been set, however, this is known in the art as taught by Caravel. Caravel

discloses an image layout method in which the image layout format is notified to the

user (column 10, line 17-59; i.e. the keyword and sound).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate

the teaching of Caravel into Kurtzberg because Kurtzberg discloses an image layout

method and Caravel discloses the notification method in order to increase user

awareness.

20.   As per claim 14, Kurtzberg demonstrated all the elements as disclosed in the

rejected claim 13.

Kurtzberg discloses a method of displaying a plurality of image. It is noted that

Kurtzberg does not explicitly disclose an image layout format change step of changing

the image layout format of the images currently being displayed on the display,

however, this is known in the art as taught by Caravel. Caravel discloses an image

layout method in which an image layout format is changed (See Fig 13, col 8 line 37-40).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Caravel into Kurtzberg because Kurtzberg discloses an image layout method and Caravel discloses the notification method in order to increase user awareness.

21.   As per claim 15, Kurtzberg demonstrated all the elements as disclosed in the rejected claim 14.

Kurtzberg discloses a method of displaying a plurality of image. It is noted that Kurtzberg does not explicitly disclose the display of image layout formats is changed in response to an operation for changing the image layout format, however, this is known in the art as taught by Caravel. Caravel discloses an image layout method in which image layout formats are changed in response to an operation (See Fig 13, col 8 line 37-40).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Caravel into Kurtzberg because Kurtzberg discloses an image layout method and Caravel discloses the notification method in order to increase user awareness.

22.   Regarding claim 19, Kurtzberg demonstrated all the elements as disclosed in the rejected claim 16.

Kurtzberg discloses a method of displaying a plurality of image. It is noted that Kurtzberg does not explicitly disclose wherein said layout setting unit further sets a

plurality of buttons, each indicating one of the plurality of image layout formats, on said

display, however, this is known in the art as taught by Caravel. Caravel discloses an

image layout method in which buttons were used to indicate image layout format (Figure

2, buttons 36-40 and column 5, line 12-21).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate

the teaching of Caravel into Kurtzberg because Kurtzberg discloses an image layout

method and Caravel discloses the notification method in order to increase user

awareness.

23.   Regarding claim 20, Kurtzberg demonstrated all the elements as disclosed in the

rejected claim 19.

Kurtzberg discloses a method of displaying a plurality of image. It is noted that

Kurtzberg does not explicitly disclose a selection unit for selecting one of the plurality of

buttons wherein the image layout format used to display the image is changed in

response to the selection by said selection unit, however, this is known in the art as

taught by Caravel. Caravel discloses the image is changed in response to a selection

(Figure 2, buttons 36-40).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate

the teaching of Caravel into Kurtzberg because Kurtzberg discloses an image layout

method and Caravel discloses the notification method in order to increase ease of

selection.

Claim Rejections - 35 USC § 112

24.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

25.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

26.   Claims 11-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 11, the step "an exclusion step of excluding the image layout format having the lowest frequency of use when the total number of frequencies of use exceeds the number set in the number setting step by adding a frequency of use of a new image layout format" is not disclosed in the specification. It is also not clear the scope of the newly recited limitation.

Response to Arguments

27.   Applicant's arguments with respect to claims 1, 16 and17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

28.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Inquiries

29.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ryan R. Yang whose telephone number is (571) 272-

7666. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number

for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Yang
Primary Examiner
May 23, 2006